

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WASTEWATER DISCHARGE GENERAL PERMIT**

**STORM WATER FROM INDUSTRIAL ACTIVITY  
IN CYCLE-YEAR 4 WATERSHEDS**

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq; the "Federal Act"); Michigan Act 451, Public Acts of 1994, as amended (the "Michigan Act"), Part 31; and Michigan Executive Orders 1991-31, 1995-4 and 1995-18, storm water associated with industrial activity, as defined under 40 CFR 122.26(b)(14)(i-ix) and (xi), or as deemed necessary under Section 402(p)(2)(E) of the Federal Act, and other storm water which is adequately regulated by this general permit is authorized to be discharged from facilities specified in individual "certificates of coverage" in accordance with conditions set forth in this National Pollutant Discharge Elimination System (NPDES) general permit (the "permit").

The applicability of this general permit shall be limited to discharges of storm water (and non-storm water identified in Section I.D.3. of this permit) which discharge to surface waters of the state located within a cycle-year 4 watershed as listed in Part II.E. on page 19 of 19. This general permit does not authorize discharges determined by the Michigan Department of Environmental Quality (the "Department") to need individual NPDES permits or that may cause or contribute to a violation of the Water Quality Standards.

In order to constitute a valid authorization to discharge, this general permit must be complemented by a certificate of coverage issued by the Department.

Unless specified otherwise, all contact with the Department required by this general permit shall be made to the District Supervisor of the Water Division as identified in the certificate of coverage. Unless specified otherwise, all Department approvals specified in this general permit shall be by the District Supervisor.

The terms and conditions of this general permit shall apply to an individual facility beginning on the effective date of a certificate of coverage issued for that facility. The Department may grant a contested case hearing on this general permit in accordance with the Michigan Act. Any person who is aggrieved by this general permit may file a sworn petition with the Office of Administrative Hearings of the Michigan Department of Environmental Quality, setting forth the conditions of the general permit which are being challenged and specifying the grounds for the challenge. The Department may grant a contested case hearing on the certificate of coverage issued to an individual facility under this general permit in accordance with Rule 323.2192(c) of the Michigan Administrative Code.

In accordance with Section 324.3118 of the Michigan Act, the permittee shall make payment of an annual storm water fee to the Department. In response to the Department's annual notice, the permittee shall remit the fee to the address on the notice, postmarked no later than March 15 of each year.

The provisions of this general permit are severable. After notice and opportunity for a hearing, this permit may be modified, suspended or revoked in whole or in part during its term in accordance with applicable laws and rules. This general permit shall take effect on April 1, 2004.

This general permit shall expire at midnight April 1, 2009.

Issued September 5, 2003.

-ORIGINAL SIGNED-

Judith J. Woodcock  
Acting Chief, Surface Water Permits Section  
Water Division

## PART I

### Section A. Discharge Authorization

During the period beginning on the effective date of this permit and an individual certificate of coverage and lasting until the expiration of this permit or termination of the individual certificate of coverage, the permittee is authorized to discharge storm water (and non-storm water identified in Part I.D.3. of this permit) to the surface waters of the State of Michigan.

### Section B. Schedules and Certifications

A Notice of Intent (NOI) or other Department-approved application shall be submitted to the Department to obtain a certificate of coverage authorizing discharge under this permit. The permittee must comply with the schedule and certification requirements in only one of the three subsections in Part I.B. Refer to the subsection that applies to your facility.

#### 1. Schedules and Certifications for New Applicants Seeking First-Time Storm Water Coverage

Persons applying for first-time authorization to discharge storm water associated with an industrial activity shall comply with the following requirements prior to submittal of an NOI or other Department-approved application to be covered under this permit:

a. Schedule

First-time applicants shall be in compliance with the certified operator and Storm Water Pollution Prevention Plan (SWPPP) requirements of this general permit before submitting an NOI or other application.

1) Certified Operator: The applicant shall have a storm water operator certified by the Department, as required by Section 3110 of the Michigan Act. The certified operator shall have supervision over the facility's storm water treatment and control measures included in the SWPPP.

2) Storm Water Pollution Prevention Plan: The applicant's SWPPP shall be developed in accordance with Part I.C.1 through I.C.3. and ready for implementation prior to submittal of an NOI or other application to be covered under this general permit. The SWPPP shall be signed by the certified operator and the permittee. Facilities shall be fully ready to carry out the activities specified in their SWPPP and comply with this general permit in order to be issued a certificate of coverage. New facilities shall have a certificate of coverage issued under this general permit prior to commencement of discharge of storm water associated with industrial activity.

b. Certification

When submitting an NOI or other application for this general permit, the permittee shall also submit a written certification that the facility is in compliance with the requirements identified in Part I.B.1.b.1) through 5). The certification shall be a written statement that the SWPPP has been completed and is being implemented. It is not necessary to submit the SWPPP to the Department unless requested to do so. New facilities shall fulfill the requirements of subparagraphs 4) and 5) when industrial activity begins.

1) The source identification requirements of the SWPPP are completed and identified in the plan (see Part I.C.1.).

2) There are no non-storm water discharges from the facility that are not authorized by an NPDES permit (see Part I.D.3.).

3) The facility has a certified storm water operator as required in Part I.B.1.a.1). The operator's name and certification number shall be included in the written certification. If the certified operator's number is not available at the time the written certification is submitted, provide the date the operator took the certification exam, the location of the district office where the exam was taken, and the signature of the person who took the exam.

4) Non-structural preventative measures and source controls are being implemented (see Part I.C.2.).

**PART I****Section B. Schedules and Certifications**

- 5) The structural storm water pollution controls (see Part I.C.3.), if needed, are installed and operational. If no structural controls are needed, indicate so in writing.

**2. Schedules and Certifications for Storm Water Dischargers with Previous Permit Requirements for Storm Water Pollution Prevention**

A permittee who has been authorized to discharge storm water under a permit other than this general permit, which required a Storm Water Pollution Prevention Plan (SWPPP), and who submits an NOI or other application for authorization to discharge under this general permit, shall comply with the following:

- a. **Schedule**  
Continue development and implementation of the SWPPP in accordance with the schedule established under the individual permit, or general permit and certificate of coverage, held previous to this general permit. That schedule shall be enforceable under this general permit.
- b. **Certification**  
When submitting an NOI or other application for this permit, the permittee shall also submit a written certification that the facility is in compliance with its current storm water general permit and certificate of coverage or the SWPPP requirements of its individual permit. The certification shall be a written statement that the SWPPP has been completed and is being implemented. The written certification shall include the name and certification number of the certified storm water operator. It is not necessary to submit the SWPPP to the Department unless requested to do so.

The applicant shall have a storm water operator certified by the Department, as required by Section 3110 of the Michigan Act. The certified operator shall have supervision over the facility's storm water treatment and control measures included in the SWPPP

**PART I****Section B. Schedules and Certifications****3. Schedules and Certification for Storm Water Dischargers Previously Authorized Under an Individual NPDES Permit without Storm Water Pollution Prevention Requirements**

A permittee who has been authorized to discharge storm water under an individual NPDES permit that did not require a Storm Water Pollution Prevention Plan (SWPPP) shall comply with the following schedule and certification requirements under this permit.

a. Schedule

- 1) Certified Operator: Within three months after the effective date of a certificate of coverage issued under this general permit, the permittee shall have a storm water operator certified by the Department, as required by Section 3110 of the Michigan Act. The certified operator shall have supervision over the facility's storm water treatment and control measures included in the SWPPP.
- 2) Storm Water Pollution Prevention Plan: Within six months after the effective date of a certificate of coverage issued under this general permit, the permittee shall be in compliance with the following:
  - a) The SWPPP shall be developed as described in Parts I.C.1. through I.C.3.
  - b) The SWPPP shall be reviewed and signed by the certified storm water operator and the permittee.
  - c) Unauthorized non-storm water, as described in the prohibition in Part I.D.3., shall not be discharged from the facility.
- 3) Within one year after the effective date of a certificate of coverage issued under this general permit, the permittee shall complete implementation of the non-structural requirements of the SWPPP (Part I.C.2.).
- 4) Within two years after the effective date of a certificate of coverage issued under this general permit, the permittee shall have constructed and put into operation all structural storm water pollution control facilities identified in the SWPPP (Part I.C.3.).

b. Certification

In accordance with Part II.B.5., the permittee shall provide written certification when the scheduled requirements listed above are completed, or if there is a failure to complete the requirements on schedule.

- 1) Certified operator notification shall include the name and certification number of the operator.
- 2) Certification that the SWPPP has been developed shall include a statement that the SWPPP has been approved and signed by a certified storm water operator, and that all non-storm water discharges from the facility have been either authorized by permit or eliminated. The certification shall be a written statement that the SWPPP has been completed and is being implemented. Certification shall also include a written statement that the permitted facility will or will not need structural storm water controls as specified in Part I.C.3. It is not necessary to submit the SWPPP to the Department unless requested to do so.

**PART I****Section C. Storm Water Pollution Prevention Plan (SWPPP)****1. Source Identification**

To identify potential sources of significant materials that can enter storm water and subsequently be discharged from the facility, the SWPPP shall, at a minimum, include the following items:

- a. A site map identifying the following:
  - 1) buildings and other permanent structures;
  - 2) storage or disposal areas for significant materials;
  - 3) secondary containment structures;
  - 4) storm water discharge outfalls (numbered for reference);
  - 5) location of storm water and non-storm water inlets contributing to each outfall;
  - 6) location of NPDES permitted discharges other than storm water;
  - 7) outlines of the drainage areas contributing to each outfall;
  - 8) structural runoff controls or storm water treatment facilities;
  - 9) areas of vegetation;
  - 10) areas of exposed and/or erodible soils;
  - 11) impervious surfaces (roofs, asphalt, concrete);
  - 12) name and location of receiving water(s); and
  - 13) areas of known or suspected impacts on surface waters as designated under Part 201 (Environmental Response) of the Michigan Act.
- b. A list of all significant materials that could enter storm water. For each material listed, the SWPPP shall include each of the following descriptions:
  - 1) Ways in which each type of material has been or has reasonable potential to become exposed to storm water (e.g., spillage during handling; leaks from pipes, pumps, and vessels; contact with storage piles, contaminated materials or soils; waste handling and disposal; deposits from dust or overspray; etc.).
  - 2) Identification of the outfall or outfalls through which the material may be discharged if released.
  - 3) A listing of significant spills and significant leaks of polluting materials that occurred at areas that are exposed to precipitation or that otherwise discharge to a point source at the facility. The listing shall include spills that occurred over the three (3) years prior to the effective date of a certificate of coverage authorizing discharge under this general permit. The listing shall include the date, volume and exact location of release, and the action taken to clean up the material and/or prevent exposure to storm water runoff or contamination of surface waters of the state. Any release that occurs after the SWPPP has been developed shall be controlled in accordance with the SWPPP and is cause for the SWPPP to be updated as appropriate within 14 calendar days of obtaining knowledge of the spill or loss.
  - 4) If there is a Total Maximum Daily Load (TMDL) established by the Department for the receiving waters, which restricts the discharge of any of the identified significant materials or constituents of those materials, then the SWPPP shall identify the level of control for those materials necessary to comply with the TMDL, and an estimate of the current annual load of those materials via storm water discharges to the receiving stream.

**PART I****Section C. Storm Water Pollution Prevention Plan (SWPPP)**

- c. An evaluation of the reasonable potential for contribution of significant materials to runoff from at least the following areas or activities:
- 1) loading, unloading, and other material handling operations;
  - 2) outdoor storage including secondary containment structures;
  - 3) outdoor manufacturing or processing activities;
  - 4) significant dust or particulate generating processes;
  - 5) discharge from vents, stacks and air emission controls;
  - 6) on-site waste disposal practices;
  - 7) maintenance and cleaning of vehicles, machines and equipment;
  - 8) areas of exposed and/or erodible soils;
  - 9) Sites of Environmental Contamination listed under Part 201 (Environmental Response) of the Michigan Act;
  - 10) areas of significant material residues; and
  - 11) other areas where storm water may contact significant materials.
- d. A summary of existing storm water discharge sampling data (if available) describing pollutants in storm water discharges associated with industrial activity at the facility. This summary shall be accompanied by a description of the suspected source(s) of the pollutants detected.

**2. Preventive Measures and Source Controls, Non-Structural**

To prevent significant materials from contacting storm water at the source, the SWPPP shall, at a minimum, include each of the following non-structural controls:

- a. A description of a program for routine preventive maintenance which includes inspection and maintenance of storm water management and control devices ( e.g., cleaning of oil/water separators and catch basins) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters. A log of the inspection and corrective actions shall be maintained on file by the permittee, and shall be retained in accordance with Part I.D.1.
- b. A schedule for comprehensive site inspection to include visual inspection of equipment, plant areas, and structural pollution prevention and treatment controls to be performed at least once every six months. A report of the results of the comprehensive site inspection shall be prepared and retained in accordance with Part I.D.1. The report shall identify any incidents of non-compliance with the SWPPP or this general permit. If there are no reportable incidents of non-compliance, the report shall contain a certification that the facility is in compliance with this general permit.
- c. A description of good housekeeping procedures to maintain a clean, orderly facility.
- d. A description of material handling procedures and storage requirements for significant materials. Equipment and procedures for cleaning up spills shall be identified in the SWPPP and made available to the appropriate personnel. The procedures shall identify measures to prevent spilled materials or material residues on the outside of containers from being discharged into storm water. The SWPPP may include, by reference, requirements of either a Pollution Incident Prevention Plan (PIPP) prepared in accordance with the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code); a Hazardous Waste Contingency Plan prepared in accordance with 40 CFR 264 and 265 Subpart D, as required by Part 111 of the Michigan Act; or a Spill Prevention Control and Countermeasure (SPCC) plan prepared in accordance with 40 CFR 112.
- e. Identification of areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion. The SWPPP shall also identify measures used to control soil erosion and sedimentation.

## PART I

### Section C. Storm Water Pollution Prevention Plan (SWPPP)

- f. A description of employee training programs which will be implemented to inform appropriate personnel at all levels of responsibility of the components and goals of the SWPPP. The SWPPP shall identify periodic dates for such training.
- g. Identification of actions to limit the discharge of significant materials in order to comply with TMDL requirements.
- h. Identification of significant materials expected to be present in storm water discharges following implementation of non-structural preventative measures and source controls.

### 3. Structural Controls for Prevention and Treatment

Where implementation of the measures required by Part I.C.2. does not control storm water discharges in accordance with Part I.D.2., the SWPPP shall provide a description of the location, function, and design criteria of structural controls for prevention and treatment. Structural controls may be necessary:

- 1) To prevent uncontaminated storm water from contacting or being contacted by significant materials; or
- 2) If preventive measures are not feasible or are inadequate to keep significant materials at the site from contaminating storm water. Structural controls shall be used to treat, divert, isolate, recycle, reuse or otherwise manage storm water in a manner that reduces the level of significant materials in the storm water and provides compliance with the Water Quality Standards as identified under Part I.D.2.

### 4. Keeping Plans Current

- a. The permittee shall review the SWPPP annually after it is developed and maintain written summaries of the reviews. Based on the review, the permittee shall amend the SWPPP as needed to ensure continued compliance with the terms and conditions of this general permit.
- b. The SWPPP developed under the conditions of a previous permit shall be amended as necessary to ensure compliance with this general permit.
- c. The SWPPP shall be updated or amended whenever changes or spills at the facility increase or have the potential to increase the exposure of significant materials to storm water, or when the SWPPP is determined by the permittee or the Department to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Updates based on increased activity or spills at the facility shall include a description of how the permittee intends to control any new sources of significant materials or respond to and prevent spills in accordance with the requirements of Parts I.C.1., I.C.2., and I.C.3. of this general permit.
- d. The Department or authorized representative may notify the permittee at any time that the SWPPP does not meet minimum requirements. Such notification shall identify why the SWPPP does not meet minimum requirements. The permittee shall make the required changes to the SWPPP within 30 days after such notification from the Department or authorized representative, and shall submit to the Department a written certification that the requested changes have been made.
- e. Amendments shall be signed and retained with the SWPPP on site pursuant to Part I.C.6.a.

### 5. Certified Operator Update

If the certified operator is changed or an additional certified operator is added, the permittee shall provide the name and certification number of the new certified operator to the Department. The new operator shall review and sign the SWPPP.

### 6. Signature and SWPPP Review

- a. The SWPPP shall be signed by the storm water certified operator and by either the permittee or an authorized representative in accordance with 40 CFR 122.22. The SWPPP shall be retained on-site at the facility which generates the storm water discharge.
- b. The permittee shall make the SWPPP, reports, log books, storm water discharge sampling data (if collected), and supporting documents available upon request to the Department or authorized representative.

**PART I****Section D. Special Conditions****1. Record Keeping**

The permittee shall maintain records of all SWPPP related inspection and maintenance activities. Records shall also be kept describing incidents such as spills or other discharges that can affect the quality of storm water runoff. All such records shall be retained for three years.

**2. Water Quality Standards**

At the time of discharge, there shall be no violation of the Water Quality Standards in the receiving waters as a result of the storm water discharge. This requirement includes, but is not limited to, the following conditions:

- a. In accordance with Rule 323.1050 of the Water Quality Standards, the receiving waters shall not have any of the following unnatural physical properties as a result of this discharge in quantities which are or may become injurious to any designated use: turbidity, color, oil films, floating solids, foams, settleable solids, suspended solids, or deposits.
- b. Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, suspended solids, or deposits) shall be reported within 24 hours to the Department followed by a written report within five (5) days detailing the findings of the investigation and the steps taken to correct the condition.
- c. Any pollutant for which a level of control is specified to meet a Total Maximum Daily Load (TMDL) established by the Department shall be controlled at the facility so that its discharge is reduced by the amount specified in the waste load allocation of the TMDL. Any reduction achieved through implementation of the non-structural controls or structural controls in accordance with Parts I.C.2. or I.C.3. shall count toward compliance with the TMDL.

**3. Prohibition of Non-Storm Water Discharges**

Discharges of material other than storm water shall be in compliance with an NPDES permit (other than this general permit) issued for the discharge. Storm water shall be defined to include all of the following non-storm water discharges provided pollution prevention controls for the non-storm water component are identified in the SWPPP:

- a. discharges from fire hydrant flushing;
- b. potable water sources including water line flushing;
- c. fire system test water;
- d. irrigation drainage;
- e. lawn watering;
- f. routine building wash down which does not use detergents or other compounds;
- g. pavement wash waters where contamination by toxic or hazardous materials have not occurred (unless all contamination by toxic or hazardous materials have been removed) and where detergents are not used;
- h. air conditioning condensate;
- i. springs;
- j. uncontaminated ground water; and
- k. foundation or footing drains where flows are not contaminated with process materials such as solvents.

Discharges from fire fighting activities are authorized by this permit, but are exempted from the requirement to be identified in the SWPPP.



## PART I

### Section D. Special Conditions

#### 4. Water Treatment Additives

This permit does not authorize the discharge of water additives without approval from the Department. Water additives include any material that is added to water used at the facility or to a wastewater generated by the facility to condition or treat the water. In the event a permittee proposes to discharge water additives, the permittee shall submit a request to discharge water additives to the Department for approval. Such requests shall be sent to the Surface Water Quality Assessment Section, Water Division, Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan 48909, with a copy to the Department. Instructions to submit a request electronically may be obtained via the internet (<http://www.michigan.gov/deq> and on the left side of the screen click on Water, Water Quality Monitoring, Assessment of Michigan Waters; then click on the Water Treatment Additive List which is under the information banner). Written approval from the Department to discharge such additives at specified levels shall be obtained prior to discharge by the permittee. Additional monitoring and reporting may be required as a condition for the approval to discharge the additive.

A request to discharge water additives shall include all of the following water additive usage and discharge information:

- a. Material Safety Data Sheet;
- b. the proposed water additive discharge concentration;
- c. the discharge frequency (i.e., number of hours per day and number of days per year);
- d. the outfall from which the product is to be discharged;
- e. the type of removal treatment, if any, that the water additive receives prior to discharge;
- f. product function (i.e. microbiocide, flocculent, etc.);
- g. a 48-hour LC<sub>50</sub> or EC<sub>50</sub> for a North American freshwater planktonic crustacean (either *Ceriodaphnia sp.*, *Daphnia sp.*, or *Simocephalus sp.*); and
- h. the results of a toxicity test for one other North American freshwater aquatic species (other than a planktonic crustacean) that meets a minimum requirement of Rule 323.1057(2) of the Water Quality Standards.

Prior to submitting the request, the permittee may contact the Surface Water Quality Assessment Section by telephone at 517-335-1180 or via the internet at the address given above to determine if the Department has the product toxicity data required by items g. and h. above. If the Department has the data, the permittee will not need to submit product toxicity data.

#### 5. Portable Industrial Facilities

- a. Storm water discharges from satellite locations of a portable industrial facility may be authorized by obtaining a certificate of coverage issued under this general permit. To obtain a certificate of coverage, an NOI or other Department-approved application must be submitted to the District Office of the Water Division for a primary mailing address of the owner or operator of the portable facility. Following receipt of a certificate of coverage, if the portable facility is to be moved to a satellite location, the permittee shall notify the Department of the relocation, in writing, at least 10 days prior to start-up at the satellite location. Written notification shall include the location (township, range, section, and quarter-quarter section) of the current and proposed sites for the portable facility, the receiving water for the discharge, and the anticipated date of the move. Failure to notify the Department concerning the satellite location is a permit violation.
- b. The permittee shall submit an NOI or other Department-approved application for each portable facility that could be moved to a satellite location. A SWPPP shall be in place for each facility at the time of start-up and shall be modified for each new location as necessary.

## PART I

### Section D. Special Conditions

#### 6. Expiration and Reissuance

If the permittee wishes to continue a discharge authorized under this permit beyond the permit's expiration date, the permittee shall submit a written request to the Department on or before October 1, 2008. A person holding a valid certificate of coverage under an expired general permit shall continue to be subject to the terms and conditions of the expired permit until the permit is terminated, revoked, or reissued.

If this permit is modified or reissued, the permittee shall: a) request coverage under the modified or reissued permit, b) apply for an individual NPDES permit, or c) request termination of discharge authorization. Lacking an adequate response, the permittee's authorization to discharge shall expire on the effective date of the reissued or modified permit.

If this permit is terminated or revoked, all authorizations to discharge under the permit shall expire on the date of termination or revocation.

#### 7. Termination of General Permit Coverage

Where all storm water discharges associated with industrial activity that are authorized by a certificate of coverage issued under this general permit are eliminated, the permittee may submit a request to the Department to terminate the certificate of coverage authorizing discharge under this general permit.

A facility where industrial activity has ceased and no significant materials remain or are exposed to storm water may request termination of a certificate of coverage authorizing discharge under this general permit.

#### 8. Requirement to Obtain Individual Permit

The Department may require any person who is authorized to discharge by a certificate of coverage issued under this general permit, to apply for and obtain an individual NPDES permit if any of the following circumstances apply:

- a. the discharge is a significant contributor to pollution, or contains materials or constituents which require limiting to protect the receiving waters in accordance with applicable water quality standards, as determined by the Department on a case-by-case basis;
- b. the discharger is not complying or has not complied with the conditions of the general permit or schedules included in a certificate of coverage;
- c. a change has occurred in the availability of demonstrated technology or practices for the control or abatement of waste applicable to the point source discharge;
- d. effluent standards or limitations are promulgated for point source discharges subject to this permit; and
- e. the Department determines that the criteria by which the certificate of coverage was issued under this general permit no longer apply.

Any person may request the Department to take action pursuant to the provisions of Rule 2191 (Rule 323.2191 of the Michigan Administrative Code).

**PART I****Section D. Special Conditions****Preventing Pollution is the Best Solution**

The Michigan Department of Environmental Quality (DEQ) encourages you to consider pollution prevention alternatives. In some cases pollution prevention may allow you to avoid the need to discharge pollutants which would otherwise require permit limitations -- or even avoid the need for permits altogether! Pollution prevention can:

- ☒ Save Money
- ☒ Reduce Waste
- ☒ Aid Permit Compliance
- ☒ Protect Our Environment
- ☒ Improve Corporate Image
- ☒ Reduce Liability

The DEQ is helping Michigan's industries save money, reduce waste and protect our environment through pollution prevention. DEQ staff can provide pollution prevention assistance through telephone consultations, technical workshops and seminars, and informational publications. They can also put you directly in touch with local support networks and national pollution prevention resources. For more information, contact the Michigan Department of Environmental Quality, Environmental Science and Services Division, at 1-800-662-9278 or visit our homepage at <http://www.michigan.gov/deq>

## PART II

### Section A. Definitions

**Certificate of Coverage** means a document, issued by the Department, which authorizes a discharge under this general permit.

**Department** means the Michigan Department of Environmental Quality.

**Individual Permit** means a site-specific NPDES permit.

**Inlet** means a catch basin, roof drain, conduit, drain tile, retention pond riser pipe, sump pump, or other point where storm water or wastewater enters into a closed conveyance system prior to discharge off site or into waters of the state.

**New Facility** means a facility located on a newly-developed or redeveloped site which is ready to begin industrial operations on or after the effective date of this permit.

**NOI** means Notice of Intent to be covered by this permit.

**Point Source Discharge** means a discharge from any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container or rolling stock. Changing the surface of land or establishing grading patterns on land will result in a point source where the runoff from the site is ultimately discharged to waters of the state.

**Polluting Materials** means oil and any material, in solid or liquid form, identified as polluting material under the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code).

**Regional Administrator** is the Region 5 Administrator, U.S. EPA, located at R-19J, 77 W. Jackson Blvd., Chicago, Illinois 60604.

**Secondary Containment Structure** means a unit, other than the primary container in which significant materials are packaged or held, which is required by State or Federal law to prevent the escape of significant materials by gravity into sewers, drains, or otherwise directly or indirectly into any sewer system or to the surface or ground waters of this state.

**Significant Materials** means any material which could degrade or impair water quality, including but not limited to: raw materials; fuels; solvents, detergents, and plastic pellets; finished materials such as metallic products; hazardous substances designated under section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (See 40 CFR 372.65); any chemical the facility is required to report pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA); polluting materials (as defined above); Hazardous Wastes as defined in Part 111 of the Michigan Act; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

**Significant Spills and Significant Leaks** means any release of a polluting material reportable under the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code).

**SWPPP** means the Storm Water Pollution Prevention Plan prepared in accordance with Parts I.B.1., I.B.2. and I.B.3. of this permit.

**Total Maximum Daily Load or TMDL** means the amount of pollutant load a water body such as a lake or stream can assimilate and still meet Water Quality Standards.

**Water Quality Standards** means the Part 4 Water Quality Standards developed under Part 31 of Act No. 451 of the Public Acts of 1994, as amended, being Rules 323.1041 through 323.1117 of the Michigan Administrative Code.

## PART II

### Section B. Reporting Requirements

#### 1. Noncompliance Notification

Compliance with all applicable requirements set forth in the Federal Act, Parts 31 and 41 of the Michigan Act, and related regulations and rules is required. All instances of noncompliance shall be reported as follows:

- a. 24-hour reporting - Any noncompliance which may endanger health or the environment (including maximum daily concentration discharge limitation exceedances) shall be reported, verbally, within 24 hours from the time the permittee becomes aware of the noncompliance. A written submission shall also be provided within five (5) days.
- b. other reporting - The permittee shall report, in writing, all other instances of noncompliance not described in a. above at the time monitoring reports are submitted; or, in the case of retained self-monitoring, within five (5) days from the time the permittee becomes aware of the noncompliance.

Written reporting shall include: 1) a description of the discharge and cause of noncompliance; and 2) the period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and the steps taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

#### 2. Spill Notification

The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwaters of the state, unless the permittee has determined that the release is not in excess of the threshold reporting quantities specified in the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code), by calling the Department at the number indicated in the certificate of coverage, or if the notice is provided after regular working hours call the Department's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706 (calls from out-of-state dial 1-517-373-7660).

Within ten (10) days of the release, the permittee shall submit to the Department a full written explanation as to the cause of the release, the discovery of the release, response (clean-up and/or recovery) measures taken, and preventative measures taken or a schedule for completion of measures to be taken to prevent reoccurrence of similar releases.

#### 3. Upset Noncompliance Notification

If a process "upset" (defined as an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee) has occurred, the permittee who wishes to establish the affirmative defense of upset, shall notify the Department by telephone within 24-hours of becoming aware of such conditions; and within five (5) days, provide in writing, the following information:

- a. that an upset occurred and that the permittee can identify the specific cause(s) of the upset;
- b. that the permitted wastewater treatment facility was, at the time, being properly operated; and
- c. that the permittee has specified and taken action on all responsible steps to minimize or correct any adverse impact in the environment resulting from noncompliance with this permit.

In any enforcement proceedings, the permittee, seeking to establish the occurrence of an upset, has the burden of proof.

## PART II

### Section B. Reporting Requirements

#### 4. Bypass Prohibition and Notification

- a. Bypass Prohibition - Bypass is prohibited unless:
  - 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - 2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass; and
  - 3) The permittee submitted notices as required under Part II.B.4.b. or Part II.B.4.c. below.
- b. Notice of Anticipated Bypass - If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least ten (10) days before the date of the bypass, and provide information about the anticipated bypass as required by the Department. The Department may approve an anticipated bypass, after considering its adverse effects, if it will meet the three conditions listed in Part II.B.4.a. above.
- c. Notice of Unanticipated Bypass - The permittee shall submit notice to the Department of an unanticipated bypass by telephone at the number identified in a certificate of coverage issued under this general permit (if the notice is provided after regular working hours, use the following number: 1-800-292-4706) as soon as possible, but no later than 24 hours from the time the permittee becomes aware of the circumstances.
- d. Written Report of Bypass - A written submission shall be provided within five (5) working days of commencing any bypass to the Department, and at additional times as directed by the Department. The written submission shall contain a description of the bypass and its cause; the period of bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass; and other information as required by the Department.
- e. Definitions
  - 1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
  - 2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

#### 5. Compliance Dates Notification

Within 14 days of every compliance date specified in this permit, the permittee shall submit a written notification to the Department indicating whether or not the particular requirement was accomplished. If the requirement was not accomplished, the notification shall include an explanation of the failure to accomplish the requirement, actions taken or planned by the permittee to correct the situation, and an estimate of when the requirement will be accomplished. If a written report is required to be submitted by a specified date and the permittee accomplishes this, a separate written notification is not required.

#### 6. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharge emanates the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department 30 days prior to the actual transfer of ownership or control.

## PART II

### Section C. Management Responsibilities

#### 1. Duty to Comply

All discharges authorized herein shall be consistent with the terms and conditions of this permit and the facility's certificate of coverage (COC). The discharge of any pollutant identified in this permit and/or the facility's COC more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

It is the duty of the permittee to comply with all the terms and conditions of this permit. Any noncompliance with the terms and conditions of this permit constitutes a violation of the Federal Act and/or the Michigan Act and constitutes grounds for enforcement action; for COC termination, revocation and reissuance, or modification; or denial of an application for permit or COC renewal.

#### 2. Facilities Operation

The permittee shall, at all times, properly operate and maintain all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures.

#### 3. Power Failures

In order to maintain compliance with the effluent limitations of this permit and prevent unauthorized discharges, the permittee shall either:

- a. provide an alternative power source sufficient to operate facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit; or
- b. upon the reduction, loss, or failure of one or more of the primary sources of power to facilities utilized by the permittee to maintain compliance with the conditions of this permit, the permittee shall halt, reduce or otherwise control production and/or all discharge in order to maintain compliance with the conditions of this permit.

#### 4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the surface waters or groundwaters of the state resulting from noncompliance with any conditions specified in this permit including, but not limited to, such monitoring as necessary to determine the nature and impact of the discharge in noncompliance.

#### 5. Containment Facilities

The permittee shall provide facilities for containment of any accidental losses of concentrated solutions, acids, alkalis, salts, oils, or other polluting materials in accordance with the requirements of the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code). For Publicly Owned Treatment Works (POTW), these facilities shall be approved under Part 41 of the Michigan Act. Other state and federal laws and rules that require secondary containment include but are not limited to the following for flammable and combustible liquids: 1974 P.A. 154 (Michigan), as amended, Part 75 Flammable and Combustible Liquid Rules along with Federal Safety Standard 29 CFR 1910.106, 1941 P.A. 207 (Michigan), as amended, and Michigan Storage and Handling of Flammable And Combustible Liquids (FL/CL) rules; for highly hazardous chemicals: 1974 P.A. 154, as amended, and 29 CFR 1910.119; for hazardous waste: Michigan Act, Part 111 and rules, and the Federal Resource Conservation and Recovery Act (RCRA) 40 CFR 260 to 299; and for oil: 40 CFR 112.

## PART II

### Section C. Management Responsibilities

#### 6. Waste Treatment Residues

Residuals (i.e. solids, sludges, biosolids, filter backwash, scrubber water, ash, grit or other pollutants) removed from or resulting from treatment or control of storm water, shall be disposed of in an environmentally compatible manner and according to applicable laws and rules. These laws may include, but are not limited to, the Michigan Act, Part 31 for protection of water resources, Part 55 for air pollution control, Part 111 for hazardous waste management, Part 115 for solid waste management, Part 121 for liquid industrial wastes, Part 301 for protection of inland lakes and streams, and Part 303 for wetlands protection. Such disposal shall not result in any unlawful pollution of the air, surface waters or groundwaters of the state.

#### 7. Right of Entry

The permittee shall allow the Michigan Department of Environmental Quality, any agent appointed by the Department or the Regional Administrator, upon the presentation of credentials:

- a. To enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and
- b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect process facilities, treatment works, monitoring methods and equipment regulated or required under this permit; and to sample any discharge of pollutants.

#### 8. Treatment System Closure

In the event that discharges from a treatment system are planned to be eliminated, the permittee shall submit a closure plan to the Department for approval. The closure plan shall include characterization of any wastewater and residuals which will remain on-site after the discharges are eliminated, along with disposal methods, proposed schedule, and any other relevant information as required by the Department. Closure activities involving waste treatment residuals shall be consistent with Part II.C.6. of this permit.

The permittee shall implement the closure activities in accordance with the approved plan. Any wastewater or residual disposal inconsistent with the approved plan shall be considered a violation of this permit. After proper closure of the treatment system, this permit may be terminated.

#### 9. Availability of Reports

Except for data determined to be confidential under Section 308 of the Federal Act and Rule 2128 (Rule 323.2128 of the Michigan Administrative Code), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department and the Regional Administrator. As required by the Federal Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Federal Act and Sections 3112, 3115, 4106 and 4110 of the Michigan Act.



## PART II

### Section D. Activities Not Authorized by This Permit

#### 1. Discharges Not Authorized by This Permit

This general permit does not cover the following storm water discharges:

- a. Storm water discharges associated with industrial activity that are permitted by an existing NPDES individual permit or a different general permit;
- b. Storm water discharges associated with construction activities as identified under 40 CFR 122.26(b)(14)(x) or 40 CFR 122.26(b)(15). Storm water discharges associated with industrial activity that are mixed with storm water discharges associated with construction activities may be authorized by this permit if the discharge from the construction activity is in compliance with a national permit for storm water discharge from a construction activity (Rule 323.2190 of the Michigan Administrative Code);
- c. Storm water discharges that have been determined by the Department to be contributing to unlawful pollution that cannot be adequately guarded against under the requirements of this permit. Such a determination constitutes grounds for revocation of a certificate of coverage issued under this general permit;
- d. Storm water discharges associated with industrial activity from inactive mining, inactive landfill, or inactive oil and gas operations occurring on federal lands where an operator cannot be identified;
- e. Storm water discharges for which federal effluent limitation guidelines exist. The following industrial categories have storm water effluent limitation guidelines in the Code of Federal Regulations: cement manufacturing (40 CFR 411); feedlots (40 CFR 412); fertilizer manufacturing (40 CFR 418); petroleum refining (40 CFR 419); phosphate manufacturing (40 CFR 422); steam electric (40 CFR 423); coal mining (40 CFR 434); mineral mining and processing (40 CFR 436); ore mining and dressing (40 CFR 440); and asphalt emulsion (40 CFR 443 Subpart A);
- f. Storm water discharges from facilities on Michigan's List of Sites of Environmental Contamination pursuant to Part 201 (Environmental Response) of the Michigan Act where known or potential impacts on surface waters exist, and the Department has made a determination in accordance with Part II.D.1.c. of this permit. These discharges are eligible to be authorized by a certificate of coverage issued under a general permit for Storm Water Discharges with Required Monitoring;
- g. Storm water trapped in secondary containment structures required by state or federal law. These discharges are eligible to be authorized by a certificate of coverage issued under a general permit for Storm Water Discharges with Required Monitoring;
- h. Storm water discharges to groundwaters; and
- i. Storm water from a new facility discharging to wild or wilderness rivers or water bodies within the boundaries of national lakeshores or national parks, which are designated "outstanding state resource waters" pursuant to Michigan Water Quality Standards.

#### 2. Civil and Criminal Liability

Except as provided in permit conditions on "By-Pass" (Part II.B.4. pursuant to 40 CFR 122.41(m)), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond the permittee's control, such as accidents, equipment breakdowns, or labor disputes.

## **PART II**

### **Section D. Activities Not Authorized by This Permit**

#### **3. Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee may be subject under Section 311 of the Federal Act except as are exempted by federal regulations.

#### **4. State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Federal Act.

#### **5. Property Rights**

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize violation of any federal, state or local laws or regulations, nor does it obviate the necessity of obtaining such permits or approvals as may be required by law.

## PART II

## SECTION E. CYCLE-YEAR 4 WATERSHEDS

Cycle-year 4 watersheds are shaded in the map below, and named according to the principal water body in the watershed. On the key below, the name of the principal water body is followed by the name of the county (in parentheses) where the most downstream segment of the principal water body is located.

